

*EPW*

CERTIFICATE OF MAILING

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☒ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:	Signature <i>Kara L. Krist</i>
Date May 27, 2005	Printed Name Kara L. Krist

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Mark A. Rodeffer

TITLE : SPRING WASHER

APPLICATION NO. : 10/757,284

FILED : January 14, 2004

CONFIRMATION NO. : 4499

EXAMINER : Devon C. Kramer

ART UNIT : 3683

LAST OFFICE ACTION : January 7, 2005

ATTORNEY DOCKET NO. : BGEE 2 00033  
Cleveland, OH 44114

RE-SUBMITTAL OF ELECTION WITH TRAVERSE

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

An Election Requirement dated January 7, 2005 was received by Applicant. On

January 17, 2005, Applicant submitted its Election. Attached is a copy of Applicant's Election With Traverse, a copy of the postcard showing receipt of same by the United States Patent and Trademark Office, along with a copy of the Election Requirement.

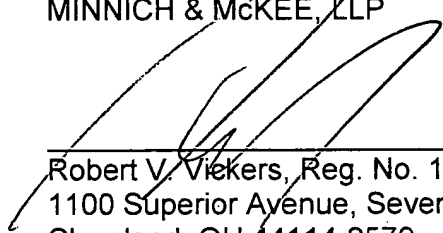
It has come to Applicant's attention that the United States Patent and Trademark Office's file for this application does not include Applicant's Election. Accordingly, Applicant hereby re-submits this document for consideration. Applicant submits that the attached document is a true and exact copy of the document filed by Applicant on January 17, 2005.

Applicant respectfully submits that the loss of this document is not the fault of Applicant and, therefore, Applicant believes that no fee is required. However, if it is determined that a fee is necessary for this Re-submittal, please charge any such fee to Deposit Account No. 06-0308.

Respectfully submitted,

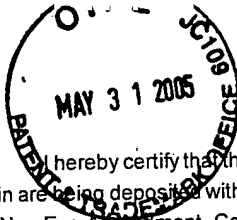
FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

5/22/05  
Date



Robert V. Vickers, Reg. No. 19,504  
1100 Superior Avenue, Seventh Floor  
Cleveland, OH 44114-2579  
216-861-5582

N:\BGEE\200033\KLK0000741V001.doc



CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO ELECTION/RESTRICTION REQUIREMENT and all documents referred to as enclosed therein are being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 1-17-05

By:

Christie L. Cermak  
Christie L. Cermak

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF	:	Mark A. Rodeffer
FOR	:	<b>SPRING WASHER</b>
SERIAL NO.	:	10/757,284
FILED	:	January 14, 2004
GROUP ART UNIT	:	3683
EXAMINER	:	Devon C. Kramer
LAST OFFICE ACTION	:	January 7, 2005
CONFIRMATION NO.	:	4499
ATTORNEY DOCKET NO.	:	BGEE 2 00033

ELECTION WITH TRAVERSE

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

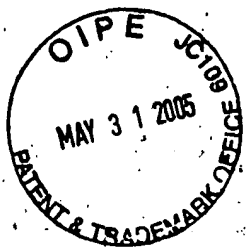
The election requirements dated January 7, 2005 has been received and carefully considered. Applicant has elected Species 1 represented by Figures 1-11. Applicant respectfully submits that claims 1-23 are generic to Species 1-4 or directed to Species 1. Accordingly, applicant has not cancelled any claims or withdrawn any claims from consideration. Applicant respectfully submits that the claims patentably distinguish from the prior art and are allowable whereby reconsideration and allowance is respectfully requested.

Respectfully submitted,

**FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP**

1/17/05  
Date

Robert V. Vickers, Reg. No. 19,504  
1100 Superior Avenue, Seventh Floor  
Cleveland, Ohio 44114-2518  
Tel: (216) 861-5582  
Fax: (216) 241-1666



MINNICH & MOORE, LLP  
1100 SUPERIOR AVENUE  
SEVENTH FLOOR  
CLEVELAND, OHIO 44114-2579

NO. \_\_\_\_\_

Inventor/Applicant: Bodeffer Pat. No. 10/757,284  
Title: Spring Washer Ser. No. 17-14-04  
Attorney Docket No. EEF2003 Initials RW/CS/Christ Date 1-17-05

☐ PATENT/DESIGN APPLICATION ☒ AMENDMENT (Due 2-1-05)  
\_\_\_\_ New Application Transmittal Transmittal(s) \_\_\_\_\_  
\_\_\_\_ Cont. \_\_\_\_\_ Div. \_\_\_\_\_ C-P \_\_\_\_\_ Provisional \_\_\_\_\_ Extension of Time (For \_\_\_\_\_ month(s))  
\_\_\_\_ CPA Transmittal \_\_\_\_\_ PCT Request \_\_\_\_\_  
\_\_\_\_ Declaration/Power of Atty. \_\_\_\_\_  
\_\_\_\_ pgs. Specification \_\_\_\_\_  
\_\_\_\_ pgs. Claims \_\_\_\_\_  
\_\_\_\_ total \_\_\_\_\_ independent \_\_\_\_\_  
\_\_\_\_ pgs. Abstract \_\_\_\_\_  
\_\_\_\_ Sheet(s) of drawing(s) Figs. \_\_\_\_\_  
\_\_\_\_ formal \_\_\_\_\_ informal \_\_\_\_\_  
\_\_\_\_ Preliminary Amendment \_\_\_\_\_  
\_\_\_\_ Request and certification under 35 U.S.C. 122(b)(2)(B)(i) \_\_\_\_\_  
\_\_\_\_ Claim for Right of Priority \_\_\_\_\_  
\_\_\_\_ Appln. \_\_\_\_\_  
\_\_\_\_ Filed \_\_\_\_\_  
\_\_\_\_ Priority document(s) \_\_\_\_\_  
\_\_\_\_ Small Entity Statement(s) \_\_\_\_\_  
\_\_\_\_ Final Fee \_\_\_\_\_ Publication Fee \_\_\_\_\_  
\_\_\_\_ Response to missing parts \_\_\_\_\_

☐ NOTICE OF APPEAL  
☐ PCT DEMAND (Due \_\_\_\_\_)  
☐ CHECK(S) in Amount \$ \_\_\_\_\_  
☒ OTHER Election with Traverse

☐ ASSIGNMENT  
\_\_\_\_ Transmittal \_\_\_\_\_ Confirmatory \_\_\_\_\_  
☐ INFORMATION DISCLOSURE STATEMENT  
\_\_\_\_ PTO Form 1449 \_\_\_\_\_ Refs. \_\_\_\_\_

**"DOCKETED"**

RECEIPT IS HEREBY ACKNOWLEDGED

OIPE JC109  
PATENT & TRADEMARK OFFICE  
JAN 21 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,284	01/14/2004	Mark A. Rodeffer	BGEE 2 00033	4499

7590

01/07/2005

Robert V. Vickers  
Fay, Sharpe, Fagan, Minnich & McKee, LLP  
7th Floor  
1100 Superior Avenue  
Cleveland, OH 44114-2579

EXAMINER

KRAMER, DEVON C

ART UNIT

PAPER NUMBER

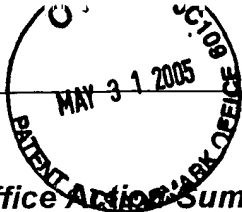
3683

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

"DOCKETED"

**Office Action Summary**



Application No.

10/757,284

Applicant(s)

RODEFFER, MARK A.

Examiner

Devon C Kramer

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-23 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1) This application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1: Figures 1-11;

Species 2: Figure 12;

Species 3: Figure 13;

Species 4: Figure 14.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

A telephone call was made to Robert Vickers on January 3, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

2) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C Kramer whose telephone number is 703-305-0839. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 3683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DK

*DK*  
*1/3/05*